

Assembly Bill No. 2382

CHAPTER 905

An act to amend Section 11253.5 of the Welfare and Institutions Code, relating to CalWORKs.

[Approved by Governor September 30, 2014. Filed with
Secretary of State September 30, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2382, Bradford. CalWORKs: eligibility: truancy.

(1) Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, with California's version of this program being known as the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Under the CalWORKs program, each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria, including participating in specified welfare-to-work activities. Existing law exempts from these welfare-to-work requirements a child who is under 16 years of age or attending an elementary, secondary, vocational, or technical school on a full-time basis.

Existing law conditions the receipt of CalWORKs aid upon the school attendance of all children in an assistance unit who are subject to compulsory education, as specified. Existing law further requires that this attendance requirement be included in the recipient's welfare-to-work plan. Under existing law, if the county determines that an eligible child under 16 years of age is not regularly attending school as required, the county is prohibited from considering the needs of all adults in an assistance unit in computing the grant of a family, unless the county determines that good cause exists. Existing law prohibits the needs of a child 16 years of age or older from being considered in computing the grant to the family if the county determines that he or she has not been regularly attending school or participating in a welfare-to-work plan, unless the county determines that good cause exists.

This bill would revise these requirements by, among other things, deleting the requirement that the aid grant of a family be reduced if the county determines that an eligible child under 16 years of age is not regularly attending school. The bill would authorize, if the county determines that a child is not attending school, the county to inform the family of how to enroll the child in a continuation school within the county and screen the family to determine its eligibility for family stabilization services, as specified. The bill would require the county, if applicable, to document that the family was given this information and was screened for those services.

The bill would allow the county to consider the needs of a child in the assistance unit who is 16 years of age or older in computing the grant to the family for any month in which the county is informed by a school district or a county school attendance review board that the child did not attend school if at least one of several circumstances is present, including that the county is provided with evidence that the child has been attending school or there is good cause for school nonparticipation at any time during the month. The bill would provide that a child whose needs are excluded from computing the family grant would remain eligible for services that may lead to school attendance. To the extent this bill would increase benefit amounts and impose additional duties on counties, the bill would impose a state-mandated local program.

(2) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 11253.5 of the Welfare and Institutions Code is amended to read:

11253.5. (a) All children in an assistance unit for whom school attendance is compulsory, except individuals who are eligible for the Cal-Learn Program under Article 3.5 (commencing with Section 11331), for any period during which that article is operative, and children subject to a county school attendance project under Article 2 (commencing with Section 18236) of Chapter 3.3 of Part 6, shall be required to attend school pursuant to subdivision (f).

(b) Applicants for and recipients of aid under this chapter shall be informed of the attendance requirement in subdivision (a) and it shall be included in the recipients' welfare-to-work plan under Section 11325.21.

(c) A recipient shall cooperate in providing the county with documentation routinely available from the school or school district of regular attendance of all applicable children described in subdivision (a) in the assistance unit when the county determines it is appropriate, unless there is good cause for the inability to secure that documentation.

(d) If it is determined by the county that any child in the assistance unit is not attending school as required by subdivision (a), the family may be informed of how to enroll the child in a continuation school within the county and may be screened to determine eligibility for family stabilization

services pursuant to Section 11325.24 and in accordance with county policy and procedures. If applicable, the county shall document that the family was given this information and was screened for those services. The needs of a child in the assistance unit who is 16 years of age or older shall not be considered in computing the grant of the family under Section 11450 for any month in which the county is informed by a school district or a county school attendance review board that the child did not attend school pursuant to subdivision (f), unless at least one of the following conditions is present:

(1) The county is provided with evidence that the child's attendance records are not available.

(2) The county is provided with evidence that the child has been attending school.

(3) Good cause for school nonparticipation exists at any time during the month.

(4) Any member of the household is eligible to participate in family stabilization pursuant to Section 11325.24.

(5) The county is provided with evidence that the child, parent, or caregiver is complying with requirements imposed by a school attendance review board, the county probation department, or the district attorney pursuant to Section 48263 or 48263.5 of the Education Code.

(6) A member of the household is cooperating with a plan developed by a county child welfare agency.

(e) A child whose needs have not been considered in computing the grant of the family pursuant to this section shall remain eligible for services that may lead to attendance in school.

(f) For the purposes of this section, a child shall be presumed to be attending school unless he or she has been deemed a chronic truant pursuant to Section 48263.6 of the Education Code.

SEC. 2. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of implementing this act.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.